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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,551	03/26/2001	Thomas G. Feldpausch	FEL07 P-300	9372

277 7590 04/26/2004

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EXAMINER
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HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 04/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/817,551

Applicant(s)

FELDPUSCH ET AL.

Examiner

Yvonne M. Horton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 10-12, 14, 20 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-12, 20 and 27 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Withdrawal of Allowable Subject Matter***

The indicated allowability of claims 1-6,10-12,20 and 27 is withdrawn in view of a more careful review of the reference(s) to SNYDER, DERLINGA, MAIKEN and KILLINGER. Rejections based on these reference(s) follow.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4,6,11 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #1,666,757 to SNYDER. Regarding claim 20, SNYDER discloses the use of an erectable structure (10) including an expandable/collapsible top internal frame (12) and flexible cover (61) including rigid top frame members (50,51) pivotally attached to define a peak (P), see the marked attachment, such that the top frame members (50,51) extend radially away from the peak (P) and the top frame is movable from a collapsed position, see figures 2-4, to an expanded position, see figures 1 and 22. The top frame (12) of the structure (10) of SNYDER further includes right lower (colored orange) and left lower (colored purple) frame members pivotally (52) attached to a bottom (51) of each top frame members (50) at an overcenter joint (55) such that the right lower (colored orange) and left lower (colored purple) frame members form an inverted "Y-shape" (colored blue) with the associated (50,51) when expanded, but forms a dense stack of parallel members, see figure 4, when in the collapsed position, see the marked attachment. A lower end of each of each right lower members (colored orange) is

attached to a lower end of each left lower frame members (colored purple) at element (60) and forms a "zig-zag" pattern. The structure also includes a releasable support structure as at the overcenter joint (55). Regarding claim 1, the structure (10) of SNYDER further includes an expandable/collapsible bottom internal frame (11) forming a geometrical shape similar to a square or a rectangle and having a flexible cover (62) wherein the bottom internal frame (11) supports the top frame (12) and is collapsible for compact storage, see figure 4. In reference to claim 2, the top internal frame (12) is positioned completely inside of the bottom internal frame (11) when collapsed, see figures 2-4. Regarding claim 3, the top (12) and bottom (11) are interconnected and do not include loose pieces. In reference to claim 4, the top (12) forms an outwardly concave roof that simulates an umbrella. Regarding claim 6, the jointed frame further includes an intermediate overcenter joint (60) that moves over center in both the expandable position, see figure 1, and the collapsed position, see figures 2-4. In reference to claim 11, the bottom internal frame (11) is free-standing and self-supporting.

Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #1,666,757 to SNYDER. SNYDER discloses the use of an erectable structure (10) including an expandable/collapsible top internal frame (12) and flexible cover (61) including a plurality of radially jointed members (50,51) arranged to simulate an umbrella and integrally attached to an expandable/collapsible bottom internal frame (11) forming a geometrical shape similar to a square or a rectangle and having a flexible cover (62) and the top frame is movable from a collapsed position, see figures 2-4, to

an expanded position, see figures 1 and 22, wherein the bottom internal frame (11) cover (62) includes edges that form a door (D), see the marked attachment of figure 22 such that bottom frame members (11) include top ends (TE) and bottom ends (BE) that are pivotally connected, see figure 4, to form a scissor frame.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #1,666,757 to SNYDER. SNYDER discloses the basic claimed erectable structure except for explicitly identifying the collapsible size of the structure. Although SNYDER appears to be silent in this regard, he does show his structure collapsed in figure 4 wherein the members (11) are folded even further upon itself. Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the structure of SNYDER is capable of being collapsed to a size comparable to a golf bag in order to be stored in the trunk of a car. Further, the collapsed sized would have been obvious to depend upon the use intended as an obvious matter of design choice.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #1,666,757 to SNYDER in view of US Patent #5,806,542 to DERLINGA and US Patent #3,929,146 TO MAIKEN. SNYDER discloses the use of an erectable structure (10) including an expandable/collapsible top internal frame (12) and flexible cover (61) including a plurality of radially jointed members (50,51) arranged to simulate an

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umbrella and integrally attached to an expandable/collapsible bottom internal frame (11) forming a geometrical shape similar to a square or a rectangle and having a flexible cover (62) and the top frame is movable from a collapsed position, see figures 2-4, to an expanded position, see figures 1 and 22, wherein the top cover (61) includes a downwardly hanging lower portion (colored green). SNYDER discloses the basic claimed erectable structure except for the lower ends (colored green) being partially lifted and having a holding arrangement. DERLINGA teaches that it is known in the art to provide the lower ends of a lower overhanging portion (38,40) such that it can be partially lifted. However, the overhanging portion (48,40) of DERLINGA is held by a hook and loop fastener. MAIKEN, teaches that it is known in the art to provide a liftable overhanging portion (82) with a drawstring (88) attached to a lower end thereof. The drawstring (88) of MAIKEN is operable connected to the inner frame indirectly by being attached to the cover (60). Hence, it would have been obvious to one having ordinary skill in the art to provide the erectable structure of SNYDER with a liftable overhanging portion as taught by DERLINGA, and the holding arrangement (88) as taught by MAIKEN in order to provide the structure with proper ventilation while also securely maintaining the overhanging portion in a liftable manner in order to obtain ventilation to an inside of the structure.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #1,666,757 to SNYDER in view of US Patent #2,159,273 to KILLINGER. SNYDER discloses the use of an erectable structure (10) including an expandable/collapsible top internal frame (12) and flexible cover (61) including a

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plurality of radially jointed members (50,51) arranged to simulate an umbrella and integrally attached to an expandable/collapsible bottom internal frame (11) forming a geometrical shape similar to a square or a rectangle and having a flexible cover (62) and the top frame is movable from a collapsed position, see figures 2-4, to an expanded position, see figures 1 and 22, wherein the top cover (61) includes a downwardly hanging lower portion (colored green) such that an overlapping slit is formed between the top cover (61) and the bottom cover (62). SNYDER discloses the basic claimed erectable structure except for the top and bottom cover members including retainers. KILLINGER teaches that it is known in the art to provide the overhanging portion (20) of a top cover (19) with retainers (21). Hence, it would have been obvious to one having ordinary skill in the art to provide the cover of SNYDER with retainers on the overhanging portion as taught by KILLINGER in order to securely maintain the overhangs in position while also allowing the structure to be ventilated.

*Allowable Subject Matter*

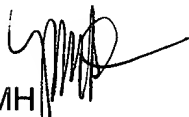
Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 14 is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
YMH  
04/19/04



April 17, 1928.

1,666,757

H. F. SNYDER

COLLAPSIBLE TENT

Filed May 6, 1925

3 Sheets-Sheet 1

FIG. 1

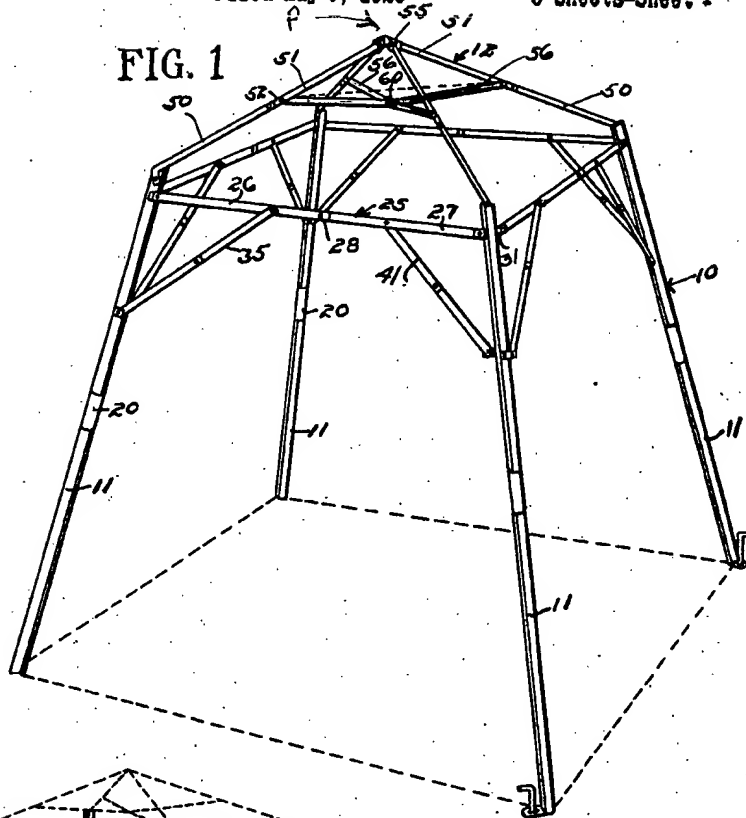
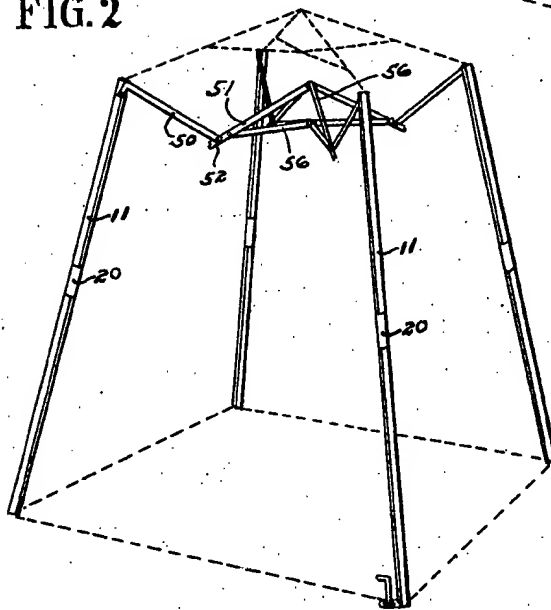


FIG. 2



INVENTOR.  
HARRY F. SNYDER  
BY *Bo Craig*,  
ATTORNEY.

April 17, 1928.

1,666,757

H. F. SNYDER

COLLAPSIBLE TENT

Filed May 6, 1925

3 Sheets-Sheet 1

FIG. 1

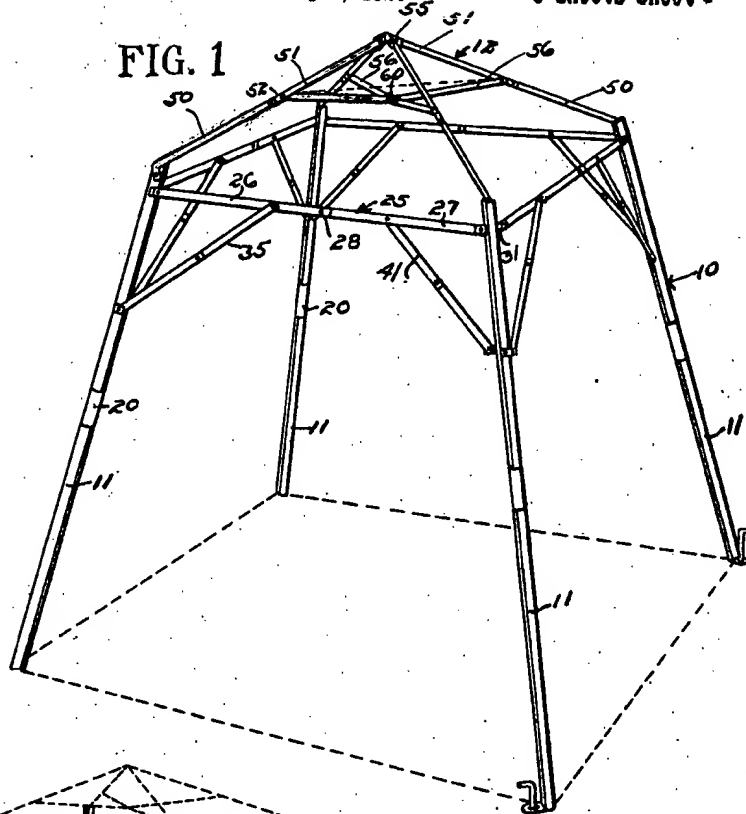
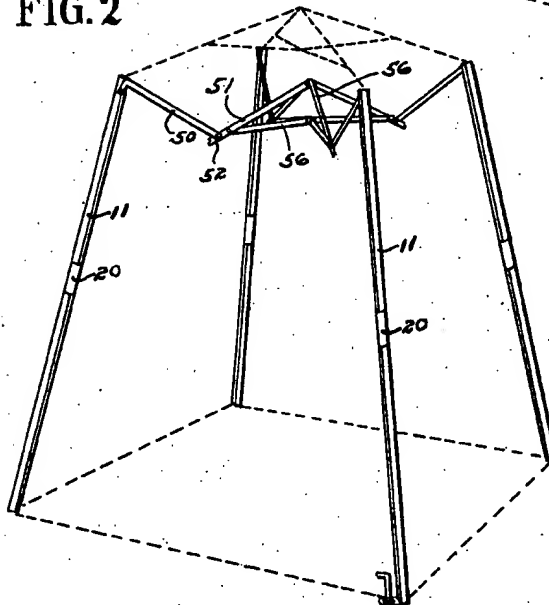


FIG. 2



INVENTOR.  
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April 17, 1928.

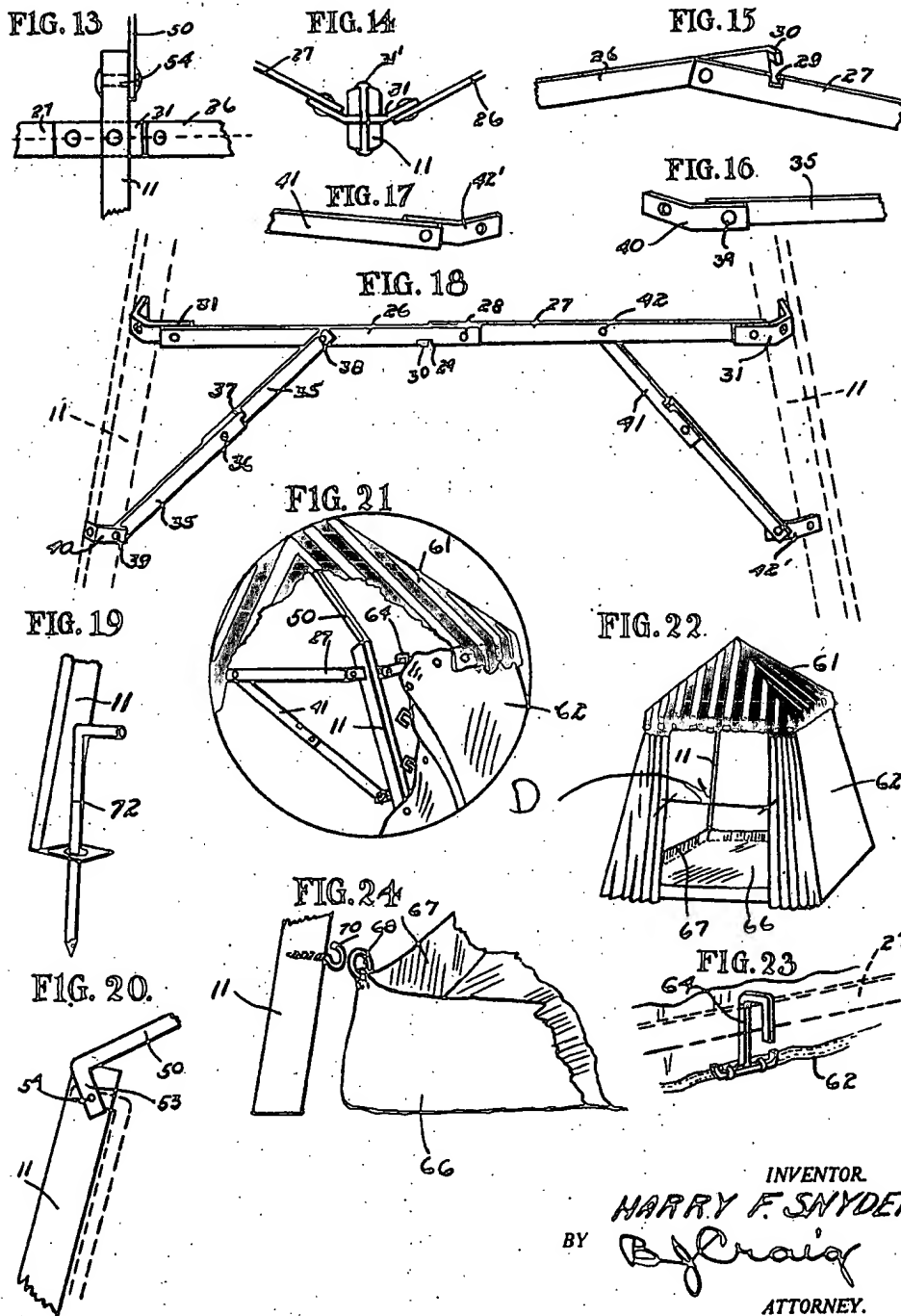
1,666,757

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COLLAPSIBLE TENT

Filed May 6, 1925

3 Sheets-Sheet 3



INVENTOR.  
HARRY F. SNYDER  
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ATTORNEY.